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**TO:** National School Lunch, Breakfast and Special Milk Sponsors

**FROM:** Maureen B. Staggenborg, Director - Child Nutrition Programs

**DATE:** January 20, 2005

**SUBJECT:** Operational Memorandum # 07-05  
Proposed Procurement Rule

The U.S Department of Agriculture (USDA) has issued a proposed rule on "Procurement Requirements for the National School Lunch, School Breakfast and Special Milk Programs". The proposed rule was published in the Federal Register on Thursday December 30, 2004 and a copy is attached for your information. The Food and Nutrition Service (FNS) of USDA has invited comments on the proposed rule and instructions for submitting comments are included in the Federal Register notice. Comments must be submitted by February 28, 2005.

Briefly this rule would make changes in three areas of the school meal regulations. The rule would codify the school food authority's responsibility for proper procurement procedures and contracts, prohibit the use of school food authority nonprofit food service account funds for costs associated with an improper procurement or contract, and require State agency approval of certain contracts prior to execution of the contracts. The proposed changes would generally impact the National School Lunch regulations. The rule also includes technical changes to the School Breakfast and Special Milk Program regulations to establish consistency among feeding programs.

The rule results from a series of audits and program reviews that identified deficiencies in the procurement and contract procedures of school food authorities. In response to those issues, and to avoid future deficiencies, FNS has published this proposed rule.

There are two minor clarifications to the Federal Register version: Under 210.21(c)(2) and 215.14a (c)(2) the heading reads "Prototype solicitation documents and contacts"; in both parts of the proposed regulation it should read "contracts". This typo is only in the headings and the regulatory text properly conveys the expectation regarding contracts.

Questions regarding this memorandum may be directed to Maureen Staggenborg at 860-807-2070, Teri Dandeneau at 860-807-2079, or Robert Zwack at 860-807-2081.